

Attorney's Docket No. 203-833CIPIIIDIVCONIII(1252CIPIIIDIVCONIII)

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☒ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SURGICAL STAPLING APPARATUS

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on January 19, 2000 as ☐ Serial No. _____ or ☒ Express Mail No. EL393562843US, as Serial No. not yet known _____ and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. §119(e))

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

___/___/___

___/___/___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253;
DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494;
PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063;
JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816;
ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375;
RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517;
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EDWARD C. MEAGHER, Reg. No. 41,189; SUSAN L. HESS, Reg. No. 37,350;
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HAROLD G. FURLOW, Reg. No. 43,621; KEVIN C. ECKER, Reg. No. 43,600,
THEODOSIOS THOMAS, Reg. No. 45,159; and DANIEL E. TIERNEY, Reg. No. 33,461,
each of them of DILWORTH & BARRESE, 333 Earle Ovington Boulevard, Uniondale,
New York 11553; and NEIL D. GERSHON, Reg. No. 32,225; MARK FARBER, Reg. No.
34,159; LAWRENCE CRUZ, Reg. No. 36,385, and DAVID KORIS, Reg. No. 30,908, each
of them of UNITED STATES SURGICAL CORPORATION, 150 Glover Avenue, Norwalk,
Connecticut 06856.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

Neil D. Gershon, Esq.
UNITED STATES SURGICAL CORPORATION
150 Glover Avenue
Norwalk, CT 06856

(203) 845-1480

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor David T. Green

Inventor's signature David T. Green

Date 2/13/2000

Country of Citizenship United Kingdom

Residence Gulf Stream, Florida

Post Office Address 1439 Post Road East, Westport, CT 06880

Full name of second joint inventor, if any Keith Ratcliff

Inventor's signature Keith Ratcliff

Date 3/1/2000

Country of Citizenship United Kingdom

Residence Sandy Hook, Connecticut Newtown

Post Office Address 36 Teddy Hill Road, Sandy Hook, CT 06482 06470
14 Concode Ridge, Newtown

Full name of third joint inventor, if any Keith Milliman

Inventor's signature Keith Milliman

Date 3/9/2000

Country of Citizenship U.S.A.

Residence Bethel, Connecticut

Post Office Address 5 Marywood Road, Bethel, CT 06801

Full name of fourth inventor Henry R. Sienkiewicz

Inventor's signature Henry R. Sienkiewicz

Date 3/15/00

Country of Citizenship U.S.A.

Residence Stamford, Connecticut

Post Office Address 227 Janes Lane, Stamford, CT 06903

Full name of fifth joint inventor, if any Mitchell J. Palmer

Inventor's signature Mitchell J. Palmer

Date 3/18/00

Country of Citizenship U.S.A.

Residence New Milford, Connecticut

Post Office Address 1 Linden Tree Road, New Milford, CT 06776

Full name of sixth joint inventor, if any Graham W. Bryan

Inventor's signature Graham W. Bryan

Date 2/22/00

Country of Citizenship United Kingdom

Residence Norwalk, Connecticut

Post Office Address 10 Tommys Lane, Norwalk, CT 06850

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION

- ☐ Signature for subsequent joint inventors.
Number of pages added _____.
- ☐ Signature by administrator(trix), executor(trix) or legal
representative for deceased or incapacitated inventor.
Number of pages added _____.
- ☐ Signature for inventor who refuses to sign or cannot be
reached by person authorized under 37 C.F.R. §1.47.
Number of pages added _____.

- ☒ Added pages to combined declaration and power of attorney for
divisional, continuation, or continuation-in-part (CIP)
application.
Number of pages added 2

- ☐ Authorization of attorney(s) to accept and follow
instructions from representative.

If no further pages form a part of this Declaration then end
this Declaration with this page and check the following item.

- ☐ This declaration ends with this page.

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

(complete this part only if this is a
divisional, continuation or CIP application)

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:				
U.S. APPLICATIONS		Status (Check One)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 08/899,453	7/23/97		X	
2. 08/242,798	5/16/94			
3. 08/024,533	3/1/93			
4. 07/949,685	9/23/92			
5. 07/915,425	7/17/92			
6. 07/781,012	10/18/91			
PCT APPLICATIONS DESIGNATING THE U.S.				

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
5.					
6.					
7.					
8.					

35 U.S.C. 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
U.S./PCT APPLICATIONS

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 U.S.C. 119		
	Country Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			